

REMARKS

Entry of this amendment and reconsideration of this application, as amended, are respectfully requested.

The indication of allowable subject matter is gratefully acknowledged.

Claims 47-58, 63-68 and 75-78 were rejected under 35 U.S.C. § 112, second paragraph for allegedly being indefinite. Applicants respectfully submit that the amendments to claim 47 clarify how the harmonization takes place, i.e., by shaping the soft core as set forth in the claim so that the desired fragmentation characteristics are attained.

Claim 58 has also been amended to overcome the language that is considered indefinite.

In view of the foregoing, it is respectfully submitted that the 35 U.S.C. § 112, second paragraph rejections should be withdrawn.

Claims 47-54, 56-58, 63 and 64 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Pejsa. Applicants respectfully traverse.

With respect to claim 47, it is respectfully submitted that Pejsa does not disclose that "the shape of a rear of said hard penetrating core and the shape of the nose of said fragmenting soft core are harmonized with the desired fragmentation characteristics for the soft projectile core by providing a conical shape for cleaving, a depression-shaped shape for mushrooming or a bell shape for the combined mushrooming and cleaving of the soft core, depending on the caliber of the projectile and impact speed and nature of the quarry."

As for claim 69, it is respectfully submitted that Pejsa does not disclose that the soft core has a nose having a recess which is matched to the shape of said rear end of the hard penetrator at the nose of said soft core to hold the rear end of said penetrator core, wherein at least one of a conical shape is provided for cleaving, a depression-shape is provided for mushrooming or a bell shape is provided for the combined mushrooming and cleaving of the soft core.

The Examiner is specifically requested to point to the disclosure in Pejsa which is believed to disclose these features.

Furthermore, Pejsa's projectile is an expanding projectile (col. 1, line 7), but, in contrast, the projectile according to the invention is a partial fragmentation projectile.

The claimed projectile is constructed so that it breaks apart as intended in the target body and the penetrator passes through the target body, while the projectile core remains deformed or shattered in the target body (see, e.g., page 2, lines 1 to 4). The invention lies, in part, in a separation of the two cores; upon penetration into the target body, the projectile is slowed. At the same time, the projectile core strikes against the penetrator and is deformed in the latter. Because the projectile core is relatively soft, it deforms so greatly or becomes so greatly mushroomed that it remains in the target body.

The penetrator deforms substantially less on account of its hardness.

The kinetic energy of the penetrator is still so great on account of its great mass that it frees itself from the projectile core and passes through the target body and leaves it.

A fragmentation behavior like the projectile according to the invention is not disclosed by Pejsa's nor exhibited by such a disclosed projectile. The insert 30, which is small in proportion to the core 12, and which is inserted into the nose of the core (col. 4, lines 20 to 31) penetrates upon impact on the target body into the core 12 (as seen in Figure 3 and deforms it); but it does not separate itself from the core 12.

It is believed, thus, that the artisan would view Pejsa's projectile as different from the projectile of the presently claimed invention.

Claims 47-54, 57, 58, 63 and 65-66 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Wood. Applicants respectfully traverse.

Applicants reiterate that Wood discloses a deformation projectile ("expanding bullet" - see, e.g., page 1, line 14 and claim 1) in which the two cores do not separate from one another. They are bonded tightly together by a tapering body 4. It is apparent from Figures 10 to 12 that the hard core 1 deforms and with it the soft core 2.

Wood does not disclose every limitation of the claimed invention, e.g., a partial fragmentation projectile. Furthermore, with respect to claim 47, is respectfully submitted that

Wood does not disclose that "the shape of a rear of said hard penetrating core and the shape of the nose of said fragmenting soft core are harmonized with the desired fragmentation characteristics for the soft projectile core by providing a conical shape for cleaving, a depression-shaped shape for mushrooming or a bell shape for the combined mushrooming and cleaving of the soft core, depending on the caliber of the projectile and impact speed and nature of the quarry."

As for claim 69, it is respectfully submitted that Wood does not disclose that the soft core has a nose having a recess which is matched to the shape of said rear end of the hard penetrator at the nose of said soft core to hold the rear end of said penetrator core, wherein at least one of a conical shape is provided for cleaving, a depression-shape is provided for mushrooming or a bell shape is provided for the combined mushrooming and cleaving of the soft core.

Thus, the rejection should be withdrawn.

Claims 69, 70, 74-79 and 83 were rejected under 35 U.S.C. §102(b) as allegedly anticipated by Carter. Applicants respectfully traverse.

With respect to claim 47, is respectfully submitted that Carter does not disclose that "the shape of a rear of said hard penetrating core and the shape of the nose of said fragmenting soft core are harmonized with the desired fragmentation characteristics for the soft projectile core by providing a conical shape for cleaving, a depression-shaped shape for mushrooming or a bell shape for the combined mushrooming and cleaving of the soft core, depending on the caliber of the projectile and impact speed and nature of the quarry.

As for claim 69, it is respectfully submitted that Carter does not disclose that the soft core has a nose having a recess which is matched to the shape of said rear end of the hard penetrator at the nose of said soft core to hold the rear end of said penetrator core, wherein at least one of a conical shape is provided for cleaving, a depression-shape is provided for mushrooming or a bell shape is provided for the combined mushrooming and cleaving of the soft core.

It is reiterated that Carter's projectile is also an expansion projectile: "bullet of the bonded core, soft-nose, controlled expansion type..." (col. 1, lines 4 and 5) and therefore it does not anticipate a partial fragmentation projectile as presently claimed.

Furthermore, the projectile of Fig. 5 of Carter shows a completely different construction than that presently claimed. The soft core 10 not only lies ahead of the hard core 14, but is even embedded in it. The superimposed plastic tip (col. 3, lines 17 and 18) is appears to be equated by the Examiner with the hard core of the claimed projectile. This plastic tip is comparable with the superimposed tip 12 of the projectile of the invention as represented in Fig. 3. Like the superimposed tip 23, the plastic tip in Fig. 4 has deforms upon impact in the target body against the jacket-like part of the core 14 in the Gothic-arch-shaped part of the core 14 and split apart. The plastic tip will not, therefore, separate from the rest of the projectile.

The references, in sum, show projectiles which are not of the same type as the projectile of the invention; they are deformation projectiles instead of partially dismantling projectiles. The impact on and the penetration into a target body results therefore in a completely different fragmentation of the projectile compared to the projectile of the presently pending claims. Furthermore, none of the references recite all of the features of the rejected independent claims for reasons set forth above.

In view of the foregoing, it is respectfully requested that all 35 U.S.C. § 102(b) rejections of the claims be withdrawn.

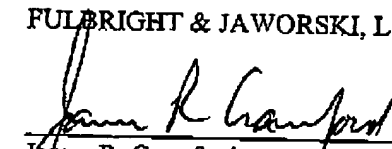
Furthermore, it is not believed that the secondary references overcome the deficiencies of the primary references, so the 35 U.S.C. § 103(a) rejections of claims should also be withdrawn.

In view of the foregoing, allowance is respectfully requested.

If any fees are due to enter this amendment or to maintain pendency of this application, authorization is given to charge such fees to deposit amount no. 50-0624.

Respectfully submitted,

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